

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re: RIC (LAVERNIA) LLC, <i>Debtor.</i>	§ § § § §	CHAPTER 11 CASE NO. 24-51195-MMP
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**RESPONSE TO ORDER TO APPEAR AND SHOW CASE
AND, ALTERNATIVELY, MOTION FOR CONTINUANCE**

COMES NOW, Shea N. Palavan (“**Respondent**”), and files this Response to Order to Appear and Show Cause and, Alternatively, Motion for Continuance, and, in support thereof, respectfully shows unto this Honorable Court as follows:

1. On March 26, 2025, Respondent filed an Objection to the Confirmation of Plan (D.I. 80). Said filing was made pursuant to directions from lead counsel, Kell Mercer¹, who was counsel for Otisco RDX, LLC (“**Otisco**”). Respondent was assisting Mr. Mercer on this matter, and others, but is not counsel for Otisco, and, as such, is not listed as counsel for Otisco in this matter.

2. The objection was filed at the direction of Mr. Mercer and another attorney assisting Mr. Mercer, Kiernan McAlpine. There were multiple drafts of this document prior to filing, and, in the back and forth, Respondent filed a version without the signature blocks modified to remove Mr. McAlpine’s signature and replacing it with Respondent’s

¹ Mr. Mercer is now tragically deceased, and his estate and cases are currently being handled by Court-appointed custodian, Clinton W. Alexander. *See* Exhibit A.

signature.

3. Subsequently, on June 2, 2025, it appears this Court issued the instant Order to Appear and Show Cause (D.I. 108), requiring Respondent to appear in person. This Order was then mailed out on June 5, 2025 (D.I. 115). However, as Respondent is not listed counsel for any party in this matter, no electronic notice nor mail notice was sent to Respondent. Indeed, a simple review of the Certificate of Notice shows that Respondent is not listed in any capacity as one of the noticed parties or persons. *See* D.I. 115. Respondent only discovered the existence of this Court's Order on June 24, 2025, when discussing matters regarding the estate of Mr. Mercer with a mutual client. Without notice, a person is not provided proper process and cannot be compelled to appear.

4. Respondent immediately requested appearance by Zoom due to the short notice of the hearing, and Respondent's inability to appear in person. However, early this morning, this Court denied Respondent's request. As a result, Respondent is filing the instant response in order to provide this Court with some context that Respondent would have otherwise provided at the hearing, so that this Court could better understand the circumstances of the filing, and be aware of the mistake in signature blocks.

5. As for the mismatched signature, this was merely an oversight, and, if this Court is concerned, Respondent can file an amended objection correcting the signature blocks to correctly reflect the positions of counsel. However, this may be somewhat difficult, as Mr. Mercer is now deceased and Respondent needs to reach out to the Court-appointed custodian of Mr. Mercer's estate regarding permission to act on behalf of Mr. Mercer's client, Otisco.

6. Alternatively, as there has not been proper notice to Respondent in this matter, Respondent respectfully requests a continuance of this matter so that Respondent is able to prepare and appear as Ordered by this Court.

DATED: January 6, 2025

Respectfully submitted,

/s/ *Shea N. Palavan*

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 25th day of June 2025, a true and correct copy of the foregoing was served on the following in accordance with the CM/ECF e-filing system, and upon all others who have consented to service in this case by registering to receive notices in this case through the CM/ECF e-filing system.

DATED: January 6, 2025

/s/ Shea N. Palavan
Shea N. Palavan